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BOARD OF PHARMACY

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Attorneys for Complainant

**BEFORE THE
BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

S & S VALLEY HOMECARE PHARMACY
d.b.a. VALLEY HOMECARE PHARMACY,
STELLA ROYTMAN, President
NEIL STEPNER, Pharmacist-in-Charge,
8349 Reseda Blvd., Ste. B
Northridge, CA 91325

Pharmacy Permit No. PHY 45565

and

NEIL A. STEPNER
439 S. Oakwood Dr., #6
Beverly Hills, CA 90212

Pharmacist License No. RPH 23460

Respondent.

Case No. 2771

OAH No. L-2005030160

**STIPULATED SURRENDER OF
LICENSE AND ORDER AS TO
RESPONDENT NEIL A. STEPNER
(PHARMACIST LICENSE NO. RPH
23460) ONLY**

IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
proceeding that the following matters are true:

PARTIES

1. Patricia F. Harris (Complainant) is the Executive Officer of the Board of
Pharmacy. She brought this action solely in her official capacity and is represented in this matter
by Bill Lockyer, Attorney General of the State of California, by Jennifer S. Cady, Supervising
Deputy Attorney General.

2. Respondent Neil A. Stepner (Respondent Stepner) is represented in this proceeding by attorney Bryan C. Altman, whose address is 1880 Century Park East, Suite 600, Los Angeles, CA 90067.

3. On or about November 30, 2001, the Board of Pharmacy issued Pharmacy Permit No. PHY 45565 to S & S Valley Homecare Pharmacy d.b.a. Valley Homecare Pharmacy, Stella Roytman, President (Respondent Pharmacy). Neil Stepner was the Pharmacist-in-Charge from November 30, 2001 through November 12, 2003. The Pharmacy Permit was in full force and effect at all times relevant to the charges brought in Accusation No. 2771; Pharmacy Permit No. PHY 45565 expired on November 1, 2004 and has not been renewed.

4. On or about May 13, 1964, the Board of Pharmacy issued Pharmacist License No. RPH 23460 to Neil A. Stepner (Respondent Stepner). The Pharmacist License was in full force and effect at all times relevant to Charges brought herein and will expire on August 31, 2005, unless renewed.

JURISDICTION

5. Accusation No. 2771 was filed before the Board of Pharmacy (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on November 16, 2004. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation No. 2771 is attached as exhibit A and incorporated herein by reference.

ADVICE AND WAIVERS

6. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 2771. Respondent also has carefully read, fully discussed with counsel, and understands the effects of this Stipulated Surrender of License and Order.

7. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of

1 subpoenas to compel the attendance of witnesses and the production of documents; the right to
2 reconsideration and court review of an adverse decision; and all other rights accorded by the
3 California Administrative Procedure Act and other applicable laws.

4 8. Respondent voluntarily, knowingly, and intelligently waives and gives up
5 each and every right set forth above.

6 CULPABILITY

7 9. Respondent understands that the charges and allegations in Accusation No.
8 2771, if proven at a hearing, constitute cause for imposing discipline upon his Pharmacist
9 License No. RPH 23460.

10 10. For the purpose of resolving the Accusation without the expense and
11 uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could
12 establish a factual basis for the charges in the Accusation and that those charges constitute cause
13 for discipline. Respondent hereby gives up his right to contest that cause for discipline exists
14 based on those charges.

15 11. Respondent understands that by signing this stipulation he enables the
16 Board to issue an order accepting the surrender of his Pharmacist License No. RPH 23460
17 without further process.

18 CONTINGENCY

19 12. This stipulation shall be subject to approval by the Board of Pharmacy.
20 Respondent understands and agrees that counsel for Complainant and the staff of the Board of
21 Pharmacy may communicate directly with the Board regarding this stipulation and settlement,
22 without notice to or participation by Respondent or his counsel. By signing the stipulation,
23 Respondent understands and agrees that he may not withdraw his agreement or seek to rescind
24 the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt
25 this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall
26 be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action
27 between the parties, and the Board shall not be disqualified from further action by having
28 considered this matter.

13. The parties understand and agree that facsimile copies of this Stipulated Surrender of License and Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

14. In consideration of the foregoing admissions and stipulations, the parties agree that the (Board) may, without further notice or formal proceeding, issue and enter the following Order:

ORDER

IT IS HEREBY ORDERED that Pharmacist License No. RPH 23460, issued to Respondent NEIL A. STEPNER is surrendered and accepted by the Board of Pharmacy.

1. The surrender of Respondent's Pharmacist License No. RPH 23460 and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board.

2. Respondent shall lose all rights and privileges as a Pharmacist in California as of the effective date of the Board's Decision and Order.

3. Respondent shall cause to be delivered to the Board both his wall and pocket license certificate on or before the effective date of the Decision and Order.

4. Respondent may not reapply for any license, permit, or registration from the Board for three (3) years from the effective date of this decision.

5. Respondent understands and agrees that if he ever applies for licensure or petitions for reinstatement in the State of California, the Board shall treat it as a new application for licensure. Respondent must comply with all the laws, regulations and procedures for licensure in effect at the time the application or petition is filed, and all of the charges and allegations contained in Accusation No. 2771 shall be deemed to be true, correct, and admitted by Respondent when the Board determines whether to grant or deny the application or petition.

6. Should Respondent ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation, No. 2771 shall be deemed

1 to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any
2 other proceeding seeking to deny or restrict licensure.

3 7. Respondent stipulates that should he apply for any license, permit or
4 registration from the Board on or after the effective date of this decision, the investigation and
5 enforcement costs in the amount of \$1,500.00 shall be paid to the Board prior to issuance of the
6 new license, permit or registration.

7 ACCEPTANCE

8 I have carefully read the above Stipulated Surrender of License and Order and
9 have fully discussed it with my attorney, Bryan C. Altman. I understand the stipulation and the
10 effect it will have on my Pharmacist License No. RPH 23460. I enter into this Stipulated
11 Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound
12 by the Decision and Order of the Board of Pharmacy.

13 DATED: _____.

14
15 _____
16 NEIL A. STEPNER
17 Respondent

18 I have read and fully discussed with Respondent NEIL A. STEPNER the terms
19 and conditions and other matters contained in this Stipulated Surrender of License and Order. I
20 approve its form and content.

21 DATED: _____.

22
23 _____
24 BRYAN C. ALTMAN
25 Attorney for Respondent
26
27
28

1 to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any
2 other proceeding seeking to deny or restrict licensure.

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4 registration from the Board on or after the effective date of this decision, the investigation and
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6 new license, permit or registration.

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9 have fully discussed it with my attorney, Bryan C. Altman. I understand the stipulation and the
10 effect it will have on my Pharmacist License No. RPH 23460. I enter into this Stipulated
11 Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound
12 by the Decision and Order of the Board of Pharmacy.

13 DATED: 7/19/05

14
15 Neil A. Stepner
16 NEIL A. STEPNER
17 Respondent

18 I have read and fully discussed with Respondent NEIL A. STEPNER the terms
19 and conditions and other matters contained in this Stipulated Surrender of License and Order. I
20 approve its form and content.

21 DATED: _____

22
23 BRYAN C. ALTMAN
24 Attorney for Respondent
25
26
27
28

1 to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any
2 other proceeding seeking to deny or restrict licensure.

3 7. Respondent stipulates that should he apply for any license, permit or
4 registration from the Board on or after the effective date of this decision, the investigation and
5 enforcement costs in the amount of \$1,500.00 shall be paid to the Board prior to issuance of the
6 new license, permit or registration.

7 ACCEPTANCE

8 I have carefully read the above Stipulated Surrender of License and Order and
9 have fully discussed it with my attorney, Bryan C. Altman. I understand the stipulation and the
10 effect it will have on my Pharmacist License No. RPH 23460. I enter into this Stipulated
11 Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound
12 by the Decision and Order of the Board of Pharmacy.

13 DATED: 7/19/05
14

15 Neil A. Stepner
16 NEIL A. STEPNER
Respondent

17
18 I have read and fully discussed with Respondent NEIL A. STEPNER the terms
19 and conditions and other matters contained in this Stipulated Surrender of License and Order. I
20 approve its form and content.

21 DATED: 7/19/05
22

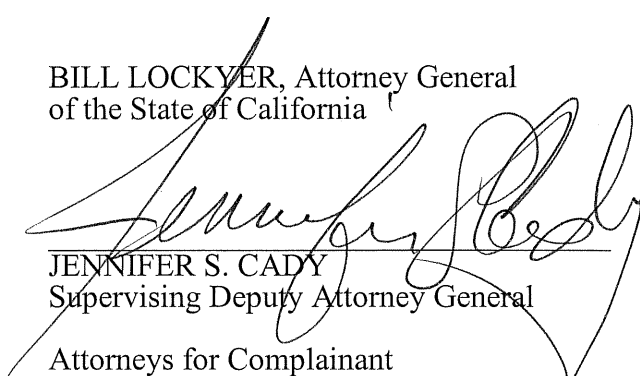
23 Bryan C. Altman
24 BRYAN C. ALTMAN
Attorney for Respondent
25
26
27
28

1 ENDORSEMENT

2 The foregoing Stipulated Surrender of License and Order is hereby respectfully
3 submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

4
5 DATED: July 19, 2005.

6
7 BILL LOCKYER, Attorney General
8 of the State of California

9
10 
11 JENNIFER S. CADY
12 Supervising Deputy Attorney General

13 Attorneys for Complainant

14 DOJ Docket Number/Matter ID: 03583110-LA2004600701
15 step-set.12
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**BEFORE THE
BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

S & S VALLEY HOMECARE PHARMACY
D.B.A. VALLEY HOMECARE PHARMACY,
STELLA ROYTMAN, NEIL STEPNER
8349 Reseda Blvd., Ste. B
Northridge, CA 91325

Case No. 2771

OAH No. L-2005030160

Pharmacy Permit No. PHY 45565

and

NEIL A. STEPNER
439 S. Oakwood Dr., #6
Beverly Hills, CA 90212

Pharmacist License No. RPH 23460

Respondent.

DECISION AND ORDER


The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on October 6, 2005.

It is so ORDERED September 6, 2005.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By


STANLEY W. GOLDENBERG
Board President

1 BILL LOCKYER, Attorney General
of the State of California
2 JENNIFER S. CADY, State Bar No. 100437
Supervising Deputy Attorney General
3 California Department of Justice
300 So. Spring Street, Suite 1702
4 Los Angeles, CA 90013
Telephone: (213) 897-2442
5 Facsimile: (213) 897-2804

6 Attorneys for Complainant

7
8 **BEFORE THE**
BOARD OF PHARMACY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2771

12 S & S VALLEY HOMECARE PHARMACY
d.b.a. VALLEY HOMECARE PHARMACY
13 STELLA ROYTMAN, President
NEIL STEPNER, Pharmacist-in-Charge
14 8349 Reseda Blvd., Ste. B
Northridge, CA 91325

A C C U S A T I O N

15 Pharmacy Permit No. PHY 45565

16 and

17 NEIL A. STEPNER
18 439 S. Oakwood Dr., #6
Beverly Hills, CA 90212

19 Pharmacist License No. RPH 23460

20 Respondents.
21

22 Complainant alleges:

23 **PARTIES**

- 24 1. Patricia F. Harris (Complainant) brings this Accusation solely in her
25 official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer
26 Affairs.
- 27 2. On or about November 30, 2001, the Board of Pharmacy issued Pharmacy
28 Permit No. PHY 45565 to S & S Valley Homecare Pharmacy, d.b.a. Valley Homecare Pharmacy,

1 Stella Roytman, President. (Respondent Pharmacy). Neil Stepner has been the Pharmacist-in-
2 Charge since November 30, 2001. The Pharmacy Permit was in full force and effect at all times
3 relevant to the charges brought herein and will expire on November 1, 2004, unless renewed.

4 3. On or about May 13, 1964, the Board of Pharmacy issued Pharmacist
5 License No. RPH 23460 to Neil A. Stepner (Respondent Stepner). The Pharmacist License was
6 in full force and effect at all times relevant to the charges brought herein and will expire on
7 August 31, 2005, unless renewed.

8 JURISDICTION

9 4. This Accusation is brought before the Board of Pharmacy (Board),
10 Department of Consumer Affairs, under the authority of the following laws. All section
11 references are to the Business and Professions Code unless otherwise indicated.

12 5. Section 4300 permits the Board to take disciplinary action to suspend or
13 revoke a license or permit.

14 6. Section 118, subdivision (b) states:

15 "The suspension, expiration, or forfeiture by operation of law of a license issued
16 by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or
17 by order of a court of law, or its surrender without the written consent of the board, shall not,
18 during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board
19 of its authority to institute or continue a disciplinary proceeding against the licensee upon any
20 ground provided by law or to enter an order suspending or revoking the license or otherwise
21 taking disciplinary action against the licensee on any such ground."

22 7. Section 4301 states, in pertinent part:

23 "The board shall take action against any holder of a license who is guilty of
24 unprofessional conduct or whose license has been procured by fraud or misrepresentation or
25 issued by mistake. Unprofessional conduct shall include, but is not limited to, any of the
26 following:

27 ...

28 ///

1 "(d) The clearly excessive furnishing of controlled substances in violation of
2 subdivision (a) of Section 11153 of the Health and Safety Code.

3 ...

4 "(j) The violation of any of the statutes of this state or of the United States
5 regulating controlled substances and dangerous drugs.

6 ...

7 "(o) Violating or attempting to violate, directly or indirectly, or assisting in or
8 abetting the violation of or conspiring to violate any provision or term of this chapter or of the
9 applicable federal and state laws and regulations governing pharmacy, including regulations
10 established by the board."

11 8. Section 4022 states:

12 "'Dangerous drug' or 'dangerous device' means any drug or device unsafe for
13 self-use, except veterinary drugs that are labeled as such, and includes the following:

14 "(a) Any drug that bears the legend: 'Caution: federal law prohibits dispensing
15 without prescription,' 'Rx only,' or words of similar import.

16 "(b) Any device that bears the statement: 'Caution: federal law restricts this device
17 to sale by or on the order of a _____,' 'Rx only,' or words of similar import, the blank to
18 be filled in with the designation of the practitioner licensed to use or order use of the device.

19 "(c) Any other drug or device that by federal or state law can be lawfully
20 dispensed only on prescription or furnished pursuant to Section 4006."

21 9. Section 4081 states, in pertinent part:

22 "(a) All records of manufacture and of sale, acquisition, or disposition of
23 dangerous drugs or dangerous devices shall be at all times during business hours open to
24 inspection by authorized officers of the law, and shall be preserved for at least three years from
25 the date of making. A current inventory shall be kept by every manufacturer, wholesaler,
26 pharmacy, veterinary food-animal drug retailer, physician, dentist, podiatrist, veterinarian,
27 laboratory, clinic, hospital, institution, or establishment holding a currently valid and unrevoked
28 certificate, license, permit, registration, or exemption under Division 2 (commencing with

1 Section 1200) of the Health and Safety Code or under Part 4 (commencing with Section 16000)
2 of Division 9 of the Welfare and Institutions Code who maintains a stock of dangerous drugs or
3 dangerous devices.

4 "(b) The owner, officer, and partner of any pharmacy, wholesaler, or veterinary
5 food-animal drug retailer shall be jointly responsible, with the pharmacist-in-charge or exemptee,
6 for maintaining the records and inventory described in this section."

7 10. California Code of Regulations, title 16, section 1718, states:

8 "'Current Inventory' as used in Sections 4081 and 4332 of the Business and
9 Professions Code shall be considered to include complete accountability for all dangerous drugs
10 handled by every licensee enumerated in Sections 4081 and 4332."

11 11. Health and Safety Code section 11056 states:

12 "(a) The controlled substances listed in this section are included in Schedule III.

13 ...

14 "(e) Narcotic drugs. Unless specifically excepted or unless listed in another
15 schedule, any material, compound, mixture, or preparation containing any of the following
16 narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited
17 quantities as set forth below:

18 ...

19 "(2) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90
20 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized
21 therapeutic amounts.

22 ...

23 "(4) Not more than 300 milligrams of dihydrocodeinone per 100 milliliters or not
24 more than 15 milligrams per dosage unit, with one or more active nonnarcotic ingredients in
25 recognized therapeutic amounts. Additionally, oral liquid preparations of dihydrocodeinone
26 containing the above specified amounts may not contain as its nonnarcotic ingredients two or
27 more antihistamines in combination with each other."

28 ///

12. Health and Safety Code section 11057 states, in pertinent part:

“(a) The controlled substances listed in this section are included in Schedule IV.

...

“(d) Depressants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts, isomers, and salts of isomers whenever the existence of those salts, isomers, and salts of isomers is possible within the specific chemical designation:

...

“(9) Diazepam.”

13. Health and Safety Code section 11058, states, in pertinent part:

“(a) The controlled substances listed in this section are included in Schedule V.

...

“(c) Narcotic drugs containing nonnarcotic active medicinal ingredients. Any compound, mixture, or preparation containing any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below, which shall include one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture, or preparation valuable medicinal qualities other than those possessed by narcotic drugs alone:

“(1) Not more than 200 milligrams of codeine per 100 milliliters or per 100 grams.”

14. Health and Safety Code section 11153 states, in pertinent part:

“(a) A prescription for a controlled substance shall only be issued for a legitimate medical purpose by an individual practitioner acting in the usual course of his or her professional practice. The responsibility for the proper prescribing and dispensing of controlled substances is upon the prescribing practitioner, but a corresponding responsibility rests with the pharmacist who fills the prescription.”

///

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1 15. Section 125.3, subdivision (a), states, in pertinent part:

2 "Except as otherwise provided by law, in any order issued in resolution of a
3 disciplinary proceeding before any board within the department . . . the board may request the
4 administrative law judge to direct a licentiate found to have committed a violation or violations
5 of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
6 enforcement of the case."

7 16. CONTROLLED SUBSTANCES/DANGEROUS DRUGS

8 a. "Clonazepam," is a Schedule IV controlled substance as designated by
9 Health and Safety Code section 11057(d)(7) and is categorized as a dangerous drug pursuant to
10 section 4022 of the Code

11 b. "Phenergan with Codeine," a brand name for Promethazine with Codeine,
12 is a Schedule V controlled substance as designated by Health and Safety Code section
13 11058(c)(1) and is categorized as a dangerous drug pursuant to section 4022 of the Code.

14 c. "Serostim," a brand name for generic Somatropin, is categorized as a
15 dangerous drug pursuant to Business and Professions Code section 4022.

16 d. "Tylenol with Codeine #3" and "Tylenol with Codeine #4," a brand name
17 for generic Codeine with Acetaminophen (30 mg. Codeine for #3, 60 mg. Codeine for #4), is a
18 Schedule III controlled substance as designated by Health and Safety Code section 11056(e)(2)
19 and is categorized as a dangerous drug pursuant to section 4022 of the Code.

20 e. "Valium," a brand name for Diazepam, a benzodiazepam derivative, is a
21 Schedule IV controlled substance as designated by Health and Safety Code section 11057(d)(9)
22 and is categorized as a dangerous drug pursuant to section 4022 of the Code.

23 f. "Vicodin," a brand name for generic Hydrocodone with Acetaminophen is
24 a Schedule III controlled substance pursuant to Health and Safety Code Section 11056,
25 subdivision (e)(4), and is categorized as a dangerous drug pursuant to defined by Business and
26 Professions Code section 4022.

27 ///

28 ///

FIRST CAUSE FOR DISCIPLINE

(Failure to Verify and Document Legitimacy of, and Excessive
Furnishing of, Controlled Substance Prescriptions)

17. Respondent Stepner is subject to disciplinary action pursuant to Business and Professions Code section 4301(d), (j), and (o), on the grounds of unprofessional conduct, in that from on or about and between November 11, 2002, and May 1, 2003, Respondent Stepner, filled prescriptions for controlled substances for patients without verifying and documenting that the prescriptions were for legitimate medical purposes, and/or which were clearly excessive, in violation of Health and Safety Code section 11153, as follows:

a. Patient Sharon W.

11/11/02	Codeine/APAP 60-300mg	100 tablets
	Hydrocodone/APAP 7.5-750mg	100 tablets
01/13/03	Codeine/APAP 60-300mg	100 tablets
	Hydrocodone/APAP 7.5-750mg	100 tablets
04/23/03	Codeine/APAP 60-300mg	100 tablets
	Hydrocodone/APAP 7.5-750mg	100 tablets

b. Patient Quinten B.

11/13/02	Codeine/APAP 60-300mg	100 tablets
	Hydrocodone/APAP 7.5-750mg	100 tablets
	Diazepam, 10 mg.	100 tablets

c. Patient Patricia S.

05/01/03	Codeine/APAP 60-300mg	100 tablets
	Hydrocodone/APAP 7.5-750mg	100 tablets
	Diazepam, 10 mg.	100 tablets

d. Patient Kevin H.

10/31/02	Codeine/APAP 60-300mg	100 tablets
	Hydrocodone/APAP 7.5-750mg	100 tablets
12/27/03	Codeine/APAP 60-300mg	100 tablets
	Hydrocodone/APAP 7.5-750mg	100 tablets
	Diazepam, 10 mg.	100 tablets

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1	01/28/03	Hydrocodone/APAP 7.5-750mg	100 tablets
2		Diazepam, 10 mg.	100 tablets
3		Codeine/APAP 60-300mg	100 tablets
4		Hydrocodone/APAP 10-500mg	100 tablets
5		Promethazine/Codeine 6.25/10mg	480
6	02/26/03	Hydrocodone/APAP 10-500mg	100 tablets
7		Diazepam, 10 mg.	100 tablets
8		Hydrocodone/APAP 7.5-750mg	100 tablets
9		Promethazine/Codeine 6.25/10mg	480
10		Codeine/APAP 60-300mg	100 tablets
11	04/25/03	Hydrocodone/APAP 7.5-750mg	100 tablets
12		Diazepam, 10 mg.	100 tablets
13		Promethazine/Codeine 6.25/10mg	480
14		Codeine/APAP 60-300mg	100 tablets
15		Hydrocodone/APAP 10-500mg	100 tablets

e. Patient James C.

12	11/13/02	Promethazine/Codeine 6.25/10mg	480
13		Codeine/APAP 60-300mg	100 tablets
14		Hydrocodone/APAP 7.5-750mg	100 tablets
15	04/25/03	Promethazine/Codeine 6.25/10mg	480
16		Hydrocodone/APAP 7.5-750mg	100 tablets
17		Codeine/APAP 60-300mg	100 tablets
18		Diazepam, 10 mg.	100 tablets

f. Patient Jimmie B.

17	12/02/02	Promethazine/Codeine 6.25/10mg	480
18		Clonazepam, 2mg	100 tablets
19		Codeine/APAP 30-300mg	45 tablets
20	01/03/03	Clonazepam, 2mg	100 tablets
21		Promethazine/Codeine, 6.25/10mg	480
22		Codeine/APAP 30-300mg,	45 tablets
23	02/03/03	Promethazine/Codeine, 6.25/10mg	480
24		Codeine/APAP 30-300mg	45 tablets
25		Hydrocodone/APAP 7.5-750mg	100 tablets
26	03/05/03	Codeine/APAP 30-300mg	45 tablets
27		Promethazine/Codeine 6.25/10mg	480
28		Clonazepam, 2mg,	100 tablets
29	04/07/03	Clonazepam, 2mg	100 tablets
30		Codeine/APAP 30-300mg	45 tablets
31		Promethazine/Codeine 6.25/10mg	480

g. Patient Eldin B.

01/22/03	Hydrocodone/APAP 7.5-750mg Codeine/APAP 60-300mg	100 tablets 100 tablets
03/03/03	Codeine/APAP 60-300mg Hydrocodone/APAP 7.5-750mg Diazepam, 10 mg.	100 tablets 100 tablets 60 tablets
04/09/03	Promethazine/Codeine 6.25/10mg Codeine/APAP 60-300mg Diazepam, 5 mg. Hydrocodone/APAP 7.5-750mg	480 100 tablets 60 tablets 100 tablets

SECOND CAUSE FOR DISCIPLINE

(Failure to Maintain Current Inventory for All Dangerous Drugs)

18. Respondent Stepner and Respondent Pharmacy are subject to disciplinary action pursuant to Business and Professions Code sections 4301(j) and (o), for violation of Business and Professions Code section 4081(a) and (b), and of California Code of Regulations, title 16, section 1718, on the grounds of unprofessional conduct, in that from on or about and between July 1, 2001, and September 18, 2003, Respondent Pharmacy had a shortage of approximately 864 boxes of Serostim 6mg., for which Respondents Stepner and Pharmacy failed to keep a current inventory to include complete accountability for all dangerous drugs, including Serostim.

PRAYER

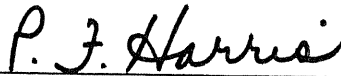
WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Pharmacy issue a decision:

1. Revoking or suspending Pharmacy License Number PHY 45565, issued to S & S Valley Homecare Pharmacy, d.b.a. Valley Homecare Pharmacy, Stella Roytman, President.
2. Revoking or suspending Pharmacist License Number RPH 23460, issued to Neil A. Stepner.
3. Ordering S & S Valley Homecare Pharmacy, d.b.a. Valley Homecare Pharmacy, Stella Roytman, President, and Neil A. Stepner to pay the Board of Pharmacy the

1 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
2 Professions Code section 125.3;

3 4. Taking such other and further action as deemed necessary and proper.

4 DATED: 11/1/04

6 
7 PATRICIA F. HARRIS
8 Executive Officer
9 Board of Pharmacy
10 Department of Consumer Affairs
11 State of California
12 Complainant

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28 prepared by cak (05/04)

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